

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No: 1:09-cv-0041
)
MAY OIL COMPANY, INC.) Judge Trauger
)
Defendant) Magistrate Judge Griffin
)

STIPULATION OF SETTLEMENT AND ORDER OF DISMISSAL

This matter is before the Court upon the agreement of the United States of America and May Oil Company, Inc. to compromise and settle the claims alleged in this civil action; upon a written Settlement Agreement embodying the terms on which the parties have agreed to compromise and settle the filed claims; upon the signatures of counsel of record for the United States of America and May Oil Company, Inc. by which the parties confirm the execution and delivery of the Settlement Agreement; and upon the entire record in this cause, from all of which the Court finds the following order should be entered:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

1. That no later than thirty days after the entry of this order, May Oil shall deliver the payment of \$182,649.15.
2. Payment by May Oil shall be made by Electronic Funds Transfer ("EFT" or wire transfer) to the United States Department of Justice in accordance with written instructions to be provided to May Oil, following this Court's

entry of this Stipulation, by the Financial Litigation Unit of the United States Attorney's Office for the Middle District Court of Tennessee, Attn: Financial Litigation Unit, 110 Ninth Avenue, South, Nashville, TN 37203, phone number 615 736-5151. Any EFTs received at the U.S. DOJ lockbox bank after 11:00 a.m. (Eastern Time) will be credited on the next business day. On the day that the transfer is made, May Oil shall send a copy of the EFT authorization form and the EFT transaction record, together with a transmittal letter, which shall state that the payment is for the amount owed pursuant to the Stipulation in United States of America v. May Oil Company, Inc., and shall reference the civil action number 1:09-cv-0041 and the DOJ case number (90-5-1-1-09028), to:

Mr. Stephen C. Ewart
United States Coast Guard
National Pollution Funds Center
4200 Wilson Blvd., Suite 1000
Arlington, Virginia 22203-1804

and to:

Mr. John T. Dewey
United States Coast Guard
Office of Claims and Litigation
2100 Second Street, S.W.
Washington, D.C. 20593-0001

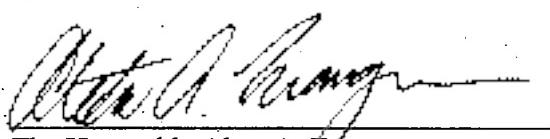
and to:

Section Chief
Environment and Natural Resources Division
Environmental Enforcement Section
P.O. Box 7611
Washington, DC 20044-7611
DOJ Ref. No. 90-5-1-1-09028

3. That the complaint of the United States of America against May Oil Company, Inc. be dismissed with prejudice.
4. That if May Oil's payment is not paid within thirty (30) calendar days after entry of this order, this order shall be an enforceable judgment for purposes of post-judgment collection in accordance with Rule 69 of the Federal Rules of Civil Procedure, the Federal Debt Collection Act, 28 U.S.C. §§ 3001-3308, and other applicable authority. Further, May Oil shall be liable for attorney's fees and costs incurred by the United States to collect any amounts due under the settlement. The United States shall be deemed a judgment creditor for purposes of collection of any unpaid amounts of the civil stipulated penalties and interest.
5. That the United States of America and May Oil Company, Inc. shall each bear all of their own attorney's fees, costs and expenses, including, without limitation, all discretionary costs that might otherwise be taxed pursuant to the provisions of Rule 54, Federal Rules of Civil Procedure, or pursuant to the provisions of the Local Rules of Practice or other authority of this Court.
6. That this Stipulation of Settlement is conditioned upon the veracity of the financial information confidentially provided to the United States by May Oil. If the financial information is subsequently determined by the United States to be false or, in any material respect, inaccurate, May Oil shall forfeit all payments made pursuant to the settlement, this settlement shall be null and void, and the United States may reopen this civil action. Such

forfeiture shall not constitute liquidated damages and shall not in any way
foreclose the United States' right to pursue any other causes of action
arising from May Oil's false or materially inaccurate information.

Entered this 29th of October, 2010.



The Honorable Aleta A. Trauger,
United States District Judge